

FEDERAL COMMUNICATIONS COMMISSION

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Washington, DC 20554**

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FEB 19 2016

Cumulus Licensing LLC
3280 Peachtree Road, NW
Suite 2300
Atlanta, GA 30305

In re: INTERFERENCE COMPLAINT
W255CJ, Atlanta, GA
BLFT-20110915ACL
Facility ID # 148550

Dear Licensee:

This refers to interference complaints filed by WKNG, Inc. filed January 8, 2016. The interference complaints are attached. These listener complaints are considered new and must be resolved. Listener complaints can be filed at any time. The complaints allege that W255CJ is interfering with the reception of WWGA(FM), Tallapoosa, Georgia.


Pursuant to 47 C.F.R. § 74.1203, W255CJ is required to eliminate any actual interference it causes. Therefore, it is necessary for W255CJ to submit a detailed report on the attached complaint even if the complainant might have been addressed in a previous proceeding. For the complaint, the report must include: (1) the name and address of the complainant; (2) specific devices receiving the interference (i.e. type of device, manufacturer's name, model number, and serial number); and (3) any assistance provided by W255CJ for each device allegedly receiving the interference and whether such interference persists. Each of the complaints must be addressed individually.

The Commission's Rules regarding FM translators restrict FM translator stations to operate strictly on a secondary basis and limit their service. Section 74.1203(a)(3) states that an FM translator station will not be permitted to continue to operate if it causes any actual radio signal interference to the direct reception by the public of the off-the-air signals of any authorized broadcast station.¹ Actual interference is based on listener complaints indicating that the signal they regularly receive is being impaired by the signal radiated by the FM translator station. Section 74.1203(b) states that if the interference cannot be properly eliminated by the application of suitable techniques, the

¹ An FM translator station creating actual radio signal interference to any authorized broadcast station is obligated to eliminate the interference, regardless of the location where the impaired signal reception occurs.

operation of the offending FM translator station shall be suspended and shall not be resumed until the interference has been eliminated.

Within thirty days of this letter, W255CJ must take appropriate actions required by the provisions of 47 C.F.R. § 74.1203 to resolve all complaints of interference to fulfill its obligations. Further action on this complaint will be withheld for a period of thirty days from the date of this letter to provide W255CJ an opportunity to respond. Failure to correct all complaints within this time may require W255CJ to suspend operation pursuant to 47 C.F.R. §§ 74.1203(e) and 74.1232(h).


James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau

Attachment

CC: Mark Denbo (via Email)
John Garziglia (via Email)

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January 8, 2016

VIA HAND DELIVERY AND E-MAIL (Robert.Gates@fcc.gov)

Mr. Robert Gates
Media Bureau, Audio Division
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**Re: Additional Interference Complaints
FM Translator W255CJ, Atlanta, Georgia (Facility No. 14850)
FCC File Nos. BLFT-20110915ACL and BRFT-20111201PCV**

Dear Mr. Gates:

By this letter, WKNG, LLC ("WKNG"), licensee of WWGA(FM), Tallapoosa, Georgia ("WWGA"), by its counsel, hereby is transmitting an additional four complaints from regular listeners of WWGA ("2015-16 Complaints"). Each 2015-16 Complaint asserts that the declarant is unable to enjoy a usable signal of WWGA because of interference received from secondary FM translator station W255CJ, licensed to Cumulus Licensing LLC ("Cumulus"). WWGA and W255CJ each operate on 98.9 MHz.

The history of this proceeding is well-known to the Commission. Suffice to say that W255CJ has been causing interference to the regular reception of WWGA for many years, as indicated in various pleadings and letters filed by WKNG.¹ In 2014, WKNG presented the Commission with six complaints, none of which have been resolved effectively and remain pending ("2014 Complaints"). The 2014 Complaints were concentrated in areas between the predicted 60 dBμ and 50 dBμ contours of WWGA, to

¹ The pleadings and letters of WKNG include: (1) Interference Complaint, filed March 28, 2014; (2) Reply to Opposition, filed April 22, 2014; (3) Opposition to Request for Dismissal, filed May 20, 2014; (4) Emergency Request for Immediate Order Suspending Operation of W255CJ, filed June 13, 2014; (5) Letter to Mr. Robert Gates, dated July 3, 2014; (6) Letter to Mr. Robert Gates, dated December 3, 2014 ("2014 Letter to Gates"); and (7) Motion to Strike, dated January 22, 2015. Prior to 2014, there were other pleading cycles associated with different complaints. All of those pre-2014 complaints also remain valid and pending, although WKNG is not actively pursuing them at this time.

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the east of the WWGA transmitter site. Each declarant associated with the 2014 Complaints lives and/or works in those areas and indicated that he/she each simply wanted to be able to listen to WWGA without interference. Although FM translator W255CJ is intended to serve Atlanta, WWGA's service area consists of certain rural counties, significantly to the west of Atlanta. The problem is that W255CJ's signal extends so far westward that it is causing interference to the ability of listeners in WWGA's service area to hear the station without also simultaneously hearing either W255CJ or static.

Attached hereto are four new 2015-16 Complaints, as well as maps prepared by Bromo Communications, Inc., depicting the key interference locations. The 2015-16 Complaints reference areas very close to where many of the 2014 Complaints were located, particularly in the neighborhoods near Villa Rica, Georgia, which is the location of the Hess Station referenced in the 2014 Complaint of Hughlen Padgett.² Cumulus cannot argue with a straight face that all of the 2014 and 2015-16 complaints, lodged by persons with no connection to WWGA and are located close to each other, somehow are faulty.

Section 74.1203(a) of the Commission's rules is quite clear. It commands that the Commission order an FM translator to cease operating if it causes: "...actual interference to: (1) the transmission of any authorized broadcast station...or (3) the direct reception by the public of the off-the-air signals of any authorized broadcast station." The rule does not permit the Commission to take into account the quality, strength or channel of the protected full-power signal. The only thing that matters is that if the Commission is presented with evidence that listeners, trying to hear a full-power FM station's signal, are unable to do so because a translator is causing interference, the Commission cannot allow the translator to continue operating.

That is precisely the case here. As both the 2014 Complaints and the new 2015-16 Complaints demonstrate, there are potential listeners of WWGA whose enjoyment of the station is impaired because of the presence of W255CJ.³ Each of the 2015-16 Complaints

² This is the location of Cumulus' trick that backfired. As set forth in the 2014 Letter to Gates, Cumulus admitted turning off the W255CJ translator during a driving test of that signal, in an effort to trick Mr. Padgett into acknowledging that interference to WWGA was present during such test. But Cumulus' sneak attack did not work, as it failed to account for Mr. Padgett's first test – just 20 minutes earlier – when W255CJ was unquestionably on the air and causing interference to the reception of WWGA. To Cumulus' chagrin, Mr. Padgett did not concede hearing interference to WWGA during the test when W255CJ was turned off. Indeed, the opposite was true: a clear WWGA signal was heard until W255CJ was turned on, at which point only W255CJ could be heard when the receiver was tuned into their shared frequency.

³ The 2014 complaints of Dr. Frederic Moore, Mark Wagner, Jason Sparks and Mark Wagner, as set forth in the 2014 Letter to Gates, also specify locations that not only are very close to one another, but also close to the locations specified in the 2015-16 Complaints.

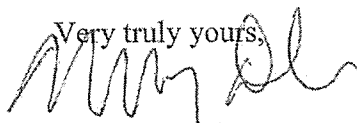
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indicates that a country station (W255CJ)⁴ bleeds into their ability to listen to WWGA (an oldies/80s/Classic Hits station). As with the 2014 Complaints, each 2015-16 complainant indicates that he/she has no business or personal ties to WKNG. All each complainant desires is to listen to WWGA without interference.

The 2014 and 2015-16 Complaints likely are emblematic of hundreds – if not thousands – of other listeners and potential listeners of WWGA, whose experience listening to the station is frustrated because of W255CJ. As the Commission surely is aware, most listeners experiencing interference simply change the channel to a different station. It is only a vocal minority that will bother with contacting the station regarding interference and then agree to transmit a declaration to the Commission and become a part of what is, quite literally, a federal case. The Commission must take official notice that for every lone complainant, there are many, many more listeners who do not wish to participate. But the bottom line is that each such listener is vital to WWGA. And the Commission's rules protect the full-power signal of WWGA over the secondary service of W255CJ. That is the case even though W255CJ is owned by Cumulus, a large, publicly-traded company, and WWGA is owned by a local business with no ties to Wall Street.

Based on the foregoing, and consistent with the recent decision in *Edgewater Broadcasting, Inc.* (W257DF, Dallas, Georgia), rel. July 10, 2015, Commission must order W255CJ to cease broadcasting immediately.

Please communicate any questions regarding this matter to the undersigned.

Very truly yours,

Mark B. Denbo
Counsel to WKNG, LLC

cc: John Garziglia, Esq.
James Bradshaw (via e-mail) (james.bradshaw@fcc.gov)
Irene Bleiweiss (via e-mail) (irene.bleiweiss@fcc.gov)

⁴ W255CJ has rebroadcast several different stations over the past few years. In 2014 and most of 2015, it rebroadcast one of Cumulus' country stations. During the 2015 holiday season, it was rebroadcasting a station that was airing mostly holiday music. As of approximately January 1, 2016, W255CJ is rebroadcasting an "alternative rock" station.

Declaration of Tina Smith

DECLARATION OF TINA SMITH

I, Tina Smith, hereby declare under penalty of perjury as follows:

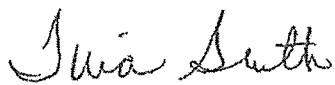
1. I have been a fan of WWGA, 98.9 FM, for many years. I love the "oldies" music they play and I am a regular listener of the station. But I have been having a problem. Sometimes a country music station starts playing for no reason. I try to adjust my radio dial, but it does no good at all.

2. I listen to WWGA during my commute to and from work. I begin by tuning into WWGA from my driveway at home, which is 286 Diamond Court, Carrollton, Georgia. In my driveway, I can hear WWGA just fine. As I leave my driveway, I hear both types of music (oldies and country). Then, I get to the top of the hill on my street and I hear classic rock only. Then, as I head to work (4720 East Hwy 166 in Carrollton), the oldies signal comes in and out.

3. Most days, I can't even make it to the Douglas/Carroll County line before the oldies station fades out completely. Sometimes, in the early morning hours between 6:00 AM and 7:00 AM, I cannot pick up the oldies station at all.

4. I have had, and now have, no personal or business connection of any kind with WKNG, LLC, station WWGA, or any member, officer or employee of the station or the company that owns the station. I have no legal stake in the outcome of my complaint. I just want to be able to hear WWGA without interference. I recognize that this complaint may be part of a public record at the FCC.

Executed on the 8 day of December 2015.



Tina Smith

Declaration of Stephen Hand

DECLARATION OF STEPHEN HAND

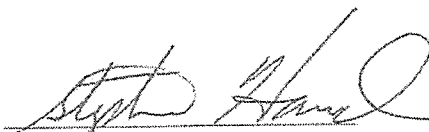
I, Stephen Hand, hereby declare under penalty of perjury as follows:

1. I have been a fan of WWGA, 98.9 FM, for some time now. I am a regular listener of the station. But living and driving in my area (Carroll and Douglas counties) I have been experiencing quite a lot of interference to our enjoyment of WWGA from a country station in Atlanta.

2. I live at 785 Wesley Chapel Road in Villa Rica, Georgia. I am retired and I travel often to shop at the Arbor Place mall in Douglasville, Georgia (6700 Douglas Blvd) and to Carrollton, Georgia to shop and eat at local businesses there. I like to listen to WWGA on those trips, but I have experienced a lot of interference in route and at these locations.

3. I have had, and now have, no personal or business connection of any kind with WKNG, LLC, station WWGA, or any member, officer or employee of the station or the company that owns the station. I have no legal stake in the outcome of my complaint. I just want to be able to hear WWGA without interference. I recognize that this complaint may be part of a public record at the FCC.

Executed on the 9th day of December 2015.


Stephen Hand

Declaration of Kevin Hart

DECLARATION OF KEVIN HART

I, Kevin Hart, hereby declare under penalty of perjury as follows:

1. I am a huge fan of WWGA, 98.9 FM and am a regular listener of the station. I really enjoy listening on my way to and from work. It makes my drive very pleasant considering my commute is 50 miles each way. But I have been noticing interference of a country music channel on 98.9 FM.

2. I currently live at 5114 Harvest Court, Villa Rica, GA 30180. I mostly try to listen to WWGA on my way to work (at 76 County Road 64, Suite 3, Woodland, AL 36280). On my commute, I get a lot of interference from a country station as I leave my house until I get to I-20 at my exit (Exit 26, Liberty Road). I then am able to pick up WWGA again for the rest of my commute south to Alabama. On my way home, I again am able to listen to WWGA all the way until I get back to I-20 at Liberty Road, which is when I start hearing the country station again. The interference definitely seems worse when I am facing east towards Atlanta.

3. I have had, and now have, no personal or business connection of any kind with WKNG, LLC, station WWGA, or any member, officer or employee of the station or the company that owns the station. I have no legal stake in the outcome of my complaint. Hopefully there is something that can be done to rectify this situation so that I can enjoy the radio station in the areas closest to my house. I recognize that this complaint may be part of a public record at the FCC.

Executed on the 10th day of December 2015.


Kevin Hart

Declaration of Mark Keeler

DECLARATION OF MARK KEELER

I, Mark Keeler, hereby declare under penalty of perjury as follows:

1. I have been a regular listener of WWGA, 98.9 FM. But recently it has not been coming in well in most of my driving area. Here are a few addresses that I have noticed hearing a country station coming in on 98.9 FM: 2117 Lake Paradise Road, Villa Rica, Georgia; 1650 Rainey Road, Temple, Georgia; 365 Mountain View Circle, Bremen, Georgia; and 1395 N. Hwy 113, Temple, Georgia.

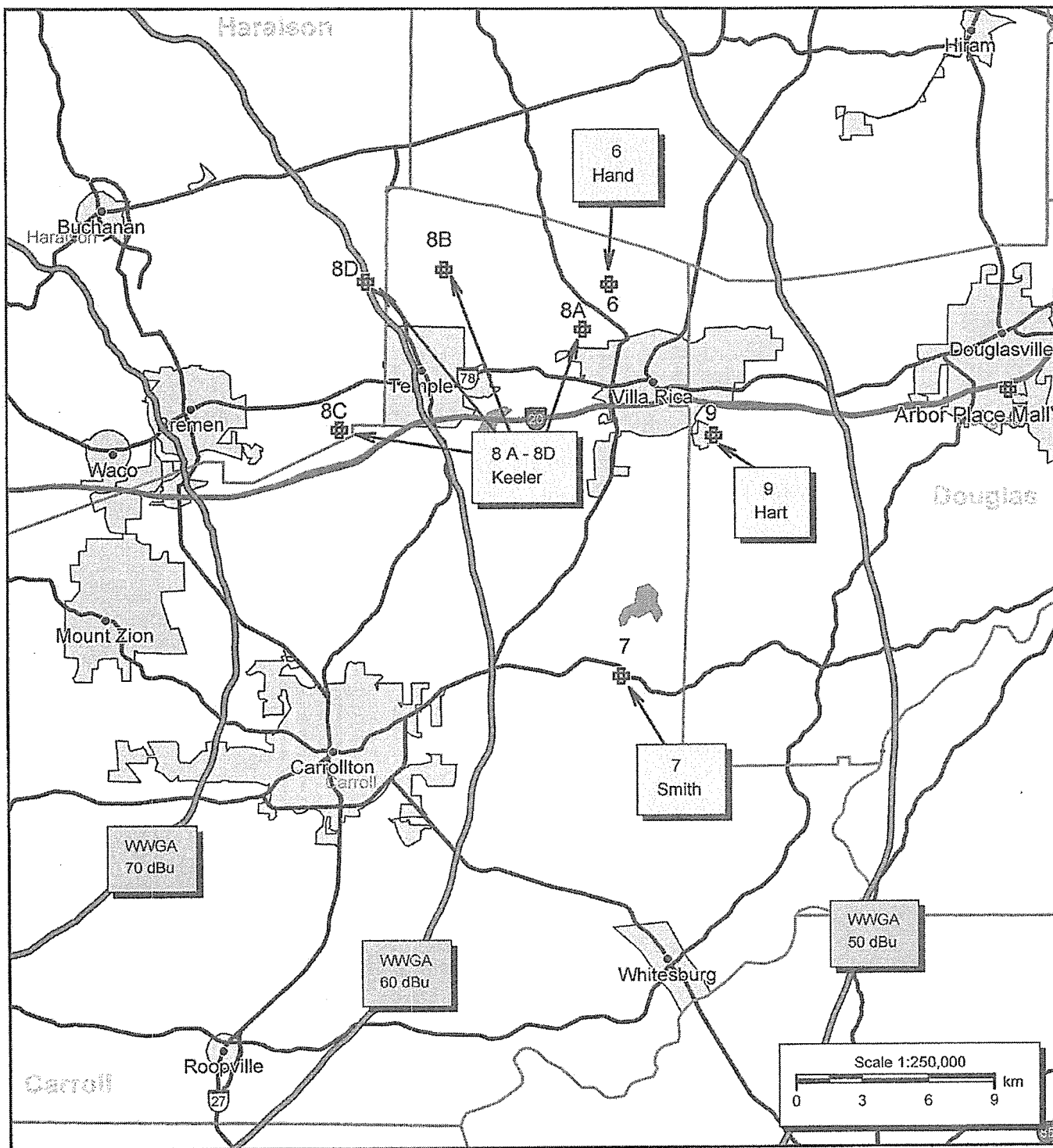
2. I have had, and now have, no personal or business connection of any kind with WKNG, LLC, station WWGA, or any member, officer or employee of the station or the company that owns the station. I have no legal stake in the outcome of my complaint. I just want to solve the signal problem I am experiencing. I recognize that this complaint may be part of a public record at the FCC.

Executed on the 7th day of January 2016 ^{*ma*}
~~December 2015.~~



Mark Keeler

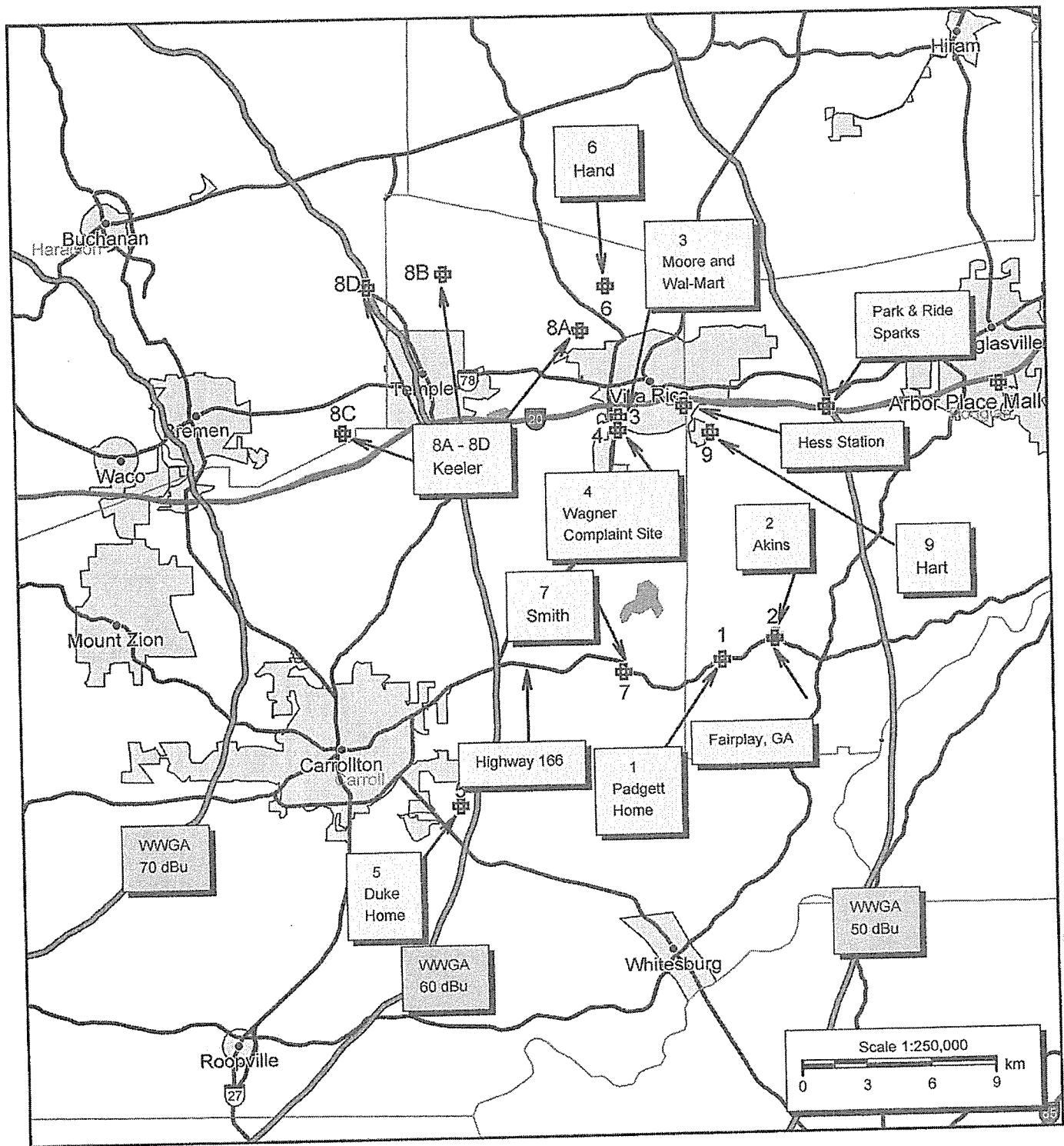
Interference Maps
Bromo Communications, Inc.



WWGA - 2015 and 2016 Complaints Carroll, Douglas and Haralson Counties, GA

Bromo Communications, Inc.

January 2016



WWGA - 2014, 2015 and 2016 Complaints **Carroll and Douglas Counties, GA**

Bromo Communications, Inc.

January 2016